THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.4783 OF 2006

Between:

Veera Vaishnavi Granites, represented by its Chairman Ch.Bhoopal Goud.

……Petitioner

vs.

1) The Director of Mines & Geology, 8th floor, B.R.K.R.Buildings, Tankbund Road, Hyderabad and three others.

……..Respondents.

THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.4783 OF 2006

O R D E R:

The petitioner made an application, dated 06.08.2003 seeking grant of quarry lease for black granite in the land situated in S.No.424/1 of Tallapusapallly Village, Kesamudram Mandal, Warangal District. The second respondent-Assistant Director of Mines & Geology, Warangal, having received the same, referred the matter to the Mandal Revenue Officer, Kesamudram along with no-objection report. In the meanwhile, it appears that certain other applicants who were claiming quarry lease in respect of the lands in S.Nos.424/1, 424/2, 424/3 and 424/4 of the said village filed W.P.No.18299 of 2003. The petitioner got himself impleaded as respondent No.9 to the said writ petition and after hearing both the

parties, this Court by order dated 30.07.2004 made it clear that the area to an extent of 20 acres in S.No.424, 421/1 of Tallapusapally Village, Kesamudram Mandal, Warangal District does not form part of the subject matter of writ petition No.18299 of 2003 and therefore it is open to the authorities concerned to take appropriate action in accordance with law, for grant of lease in respect of the said land. Subsequently, it appears that the main writ petition itself was disposed of by order, dated 19.08.2005.

This writ petition was filed on 09.03.2006 alleging that in spite of the order of this Court, dated 30.07.2004 clarifying that the land in respect of which, the petitioner made his application for grant of quarry lease is not the subject matter of W.P.No.18299 of 2003, the respondents failed to consider his request for grant of quarry lease. Hence, this writ petition seeking a declaration that the inaction on the part of the respondents is arbitrary and illegal.

In the counter affidavit filed by the Divisional Forest Officer, Warangal, it is stated that the land in question is included in reserve forest block and therefore, the same cannot be put to any non-forest purpose without following the due procedure prescribed under the Forest Conservation Act, 1980 and the Rules made there under.

I have heard the learned counsel for both the parties. Section 2 of Forest Conservation Act, 1980 imposed certain restrictions on the de-reservation of forests or use of forest land for non-forest purpose,

except with the prior approval of the Central Government. In exercise of the powers conferred under section 4 (1) of the Forest Conservation Act and in super session of the Rules made in the year 1981, the Central Government made Rules in G.S.R.No.23 (3), dated 20.06.2003 prescribing the procedure for such approval, which the user agency is bound to follow.

Since the fact that the land in question forms part of reserve forest area, is not in dispute, the petitioner is required to follow the procedure prescribed under the Statutory Rules. Hence, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to take appropriate steps in accordance with the Forest Conservation Rules, 2003. Such request if any made by the petitioner shall be considered and appropriate orders be passed by the respondents in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

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G.ROHINI J.,

Dt.18.06.2007
tjs